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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by Reporters without Borders-International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2001]

*/ This written statement is issued, unedited, as received in English and French from the submitting non-governmental organization(s).

UKRAINE

Mutilation of the truth
Inquiry into the murder of journalist Géorgiy Gongadze

Introduction

Reporters Sans Frontières (RSF) sent a mission of inquiry to Kiev, from 5 to 12 January 2001, to investigate the kidnapping and murder of journalist Géorgiy Gongadze, editor-in-chief of the on-line newspaper *www.pravda.com.ua*.

On 16 September 2000 journalist Géorgiy Gongadze disappeared. This event became an affair of state after the broadcasting on 28 November 2000 of recordings, claimed to have been made in the president's office, which tend to prove that the highest authorities are implicated in the disappearance of the journalist. Against a background of power struggle between the executive and parliament, the Gongadze affair has become the centre of an intense political struggle around the authenticity of these audio tapes and the conditions in which they were recorded.

RSF considers that Géorgiy Gongadze was murdered because he was a journalist. Everything seems to have been done to prevent that truth from being revealed. After four months of obstruction, the legal inquiry needs to be started again from scratch and conducted through to the end. Attempts to intimidate the journalist in the weeks preceding his disappearance require an in-depth investigation. A new autopsy should reveal important information on the conditions of his death.

The inquiry into the disappearance has led nowhere

The inquiry into the journalist's disappearance has been an accumulation of delays and mistakes. The journalist's family, like certain witnesses, have intentionally been ignored. His colleagues and friends are treated as obstacles rather than assistants in the inquiry. Shortcomings have become more and more obvious as the journalist's disappearance has become a political affair.

Everything seems to have been done to ensure that the body could not be identified

The discovery by a farmer, on 2 November 2000, of a body buried in a shallow grave near Tarachtcha, a small town in the Kiev region, was followed by an incredible series of very serious shortcomings in the inquiry. The body had been decapitated and the fingers and toes were in a very bad state. The remains were in an advanced state of decay due to the fact that decomposition is faster close to the surface of the ground. The body had been injured by what seems to have been an axe. It was examined by a local expert, Igor Vorotinsev, who carried out an initial autopsy. The approximate date of the death could correspond to the disappearance of Géorgiy Gongadze. A member of the parliamentary commission of inquiry indicated that Igor Vorotinsev submitted a first autopsy report on 8 November, in which he confirmed this fact. A copy was given to the Tarachtcha militia. Although he alerted the authorities to the discovery and state of the body, the remains were kept in the small Tarachtcha mortuary for thirteen days, without adequate facilities to preserve it. As a result, subsequent analyses and identification of the body were far more difficult.

Men "capable of anything"

The Gongadze case swelled into an affair of state with the revelation, on 28 November 2000 by one of the opposition leaders, of recordings supposedly made by an officer of the secret police in the office of President Leonid Koutchma during conversations between the president and several senior officials. In these conversations various means of eliminating Géorgiy Gondadze are discussed. In one of them an interlocutor presented as possibly being the interior minister, Iouri Kravtchenko, affirms that he has people capable of doing the job. He describes them as "real hawks" prepared to "do anything you want". In his declaration to the Ukranian parliament on 10 January the state prosecutor, Mihailo Potebenko, gave the result of expert analyses of these recordings, performed in Ukraine. The conclusion is that the bad quality of the tape which had been analysed (a copy of the original) did not make it possible to identify the voices.

Conclusions and recommendations

RSF denounces the serious shortcomings in the way in which the Ukranian judicial authorities have conducted the inquiry into the murder of Géorgiy Gongadze. The organisation considers, in particular, that the state prosecutor of Ukraine has conducted his investigations with the sole aim of clearing the name of the political authorities from any responsibility in this affair. RSF condemns the offhandedness, not to mention the contempt, with which the judicial authorities have treated the family and friends of Géorgiy Gongadze. RSF is concerned about the threats and intimidation of which several newspapers have been victims while investigating or reporting on the Géorgiy Gongadze affair.

RSF recommends that the Ukranian authorities:

- start a new inquiry and appoint a new state prosecutor;
- perform a new autopsy on the decapitated body of Géorgiy Gongadze, and do everything possible to find and identify the head and determine the date and cause of the journalist's death;
- take all necessary steps to identify those responsible for the murder;
- conduct an in-depth investigation on the possible involvement of official services in the disappearance of the journalist, and in the threats against him in July 2000;
- promulgate the law on parliamentary commissions of inquiry as quickly as possible;
- take all necessary steps to put an end to violence against journalists in Ukraine, so that they can work freely and safely.

Should the authorities fail to make an effort to get to the bottom of this case in the next few months, RSF would recommend that the Council of Europe suspend Ukraine's status as a member.

ANNEX

Open letter to the State Prosecutor of Ukraine,
Mr. Mykhajlo Potebenko
Géorgiy Gongadze
14 July 2000

Dear Sir,

I, the undersigned, Géorgiy Gondadze, journalist, wish to express my profound indignation at the insolent behaviour of the police who have laid charges against my colleagues and myself.
For two weeks, representatives of the militia collected information on me from people who know me, without explaining the purpose of their inquiry.
They questioned neighbours around my administrative residence in Lviv, as well as my mother, about my activities and lifestyle.
For two days two colleagues of mine at my newspaper were questioned by representatives of the militia who, under different pretexts, checked their identity documents and took notes.
On 10 July a colonel from the militia went to see the general manager of the radio station "Continent", Sergiy Cholokh. The colonel toid him a story about my alleged participation in a criminal "settling of scores" in Odessa, in which one person was killed. In other words, they want to accuse me of being involved in a criminal affair.
According to this colonel, on 25 June, a few minutes before the shot went off in an Odessa café, two people had gone into the café and introduced themselves as journalists from "Continent" radio station in Kiev. One of them reportedly showed a document with the name Géorgiy Gongadze or perhaps "Galadze" (at least the first time the colonel pronounced the name in this way) on it. The other person introduced himself as Kostia.
At first the colonel stated that nobody had paid any attention to the press cards but later it became clear that witnesses had described a small red card holder. Apparently they even saw the signature of the director of the station "Continent", a certain Vitaliy Andriovitch Kouchtch. All this is very surprising. First, all the radio station's correspondents have plastic-coated cards; secondly, all documents bear the stamp of the Media-Centre to which the radio is affiliated; and lastly, on that day I was in Kiev.
The colonel asked Cholokh to describe my character, to say what sort of person I am. Sergiy made it clear that I am known as someone who openly criticises the government, who can ask the president uncomfortable questions and who is not afraid of the government, but that it is out of the question that I belong to criminal gangs or have had contact with armed gangsters.
The colonel asked Sergiy to look for me so that he could meet me. He promised to call back at 5 p.m. but he called back at 3 p.m. and then disappeared.
Finally, I have been followed for the past few weeks. Unknown persons follow me in a Jigouli car with the official registration number 07309 KB. They wait for me outside my home and my office.
Since the information on my participation in a crime is totally absurd, I claim the right to an explanation for these actions which are clearly planned provocation aimed, I believe, at intimidating me and, at the worst, preventing me from doing my job.
That is why I request you to put a stop to this arbitrary action and to protect me from this psychological terror. I also request you to find and to punish the people responsible for it.

Géorgiy Gongadze, journalist